

January 25, 2018 Planning Board/Board of Adjustment Regular Meeting

Approval of Minutes: Mr. Mazza made a motion to approve the minutes of the December 14, 2017 meeting. Mr. Eschbach seconded the motion.

Vote: Ayes: Mr. Mazza, Mr. Eschbach, Mr. Ford

Abstain: Mr. Neary, Mr. Walchuk

Issue of Completeness: Union Township Board of Education: Block 21, Lot 7, 145 Perryville Road: Minor Subdivision: The Attorney was not present at this time. Mr. Ford moved the matter to the end of the agenda.

Republic Services of New Jersey, LLC: Block 22, Lot 30.03, 9 Frontage Road: Preliminary and Final Site Plan and Use Variance: Atty. Richard Goldman was present on behalf of applicant. Mr. Clerico had submitted a report dated January 22, 2018 indicating that all items for completeness had been submitted and that applicant could proceed with the Public Hearing on January 25, 2018. Based upon Mr. Clerico's report, Mr. Ford asked for a motion to deem the application complete.

Motion: Mr. Eschbach made the motion. It was seconded by Mr. Walchuk.

Vote: All Ayes, No Nays, Motion Carried

Republic Services Public Hearing: Atty. Anderson said it had been determined that the application is a Board of Adjustment matter and Committee Members Mazza and Neary should recuse themselves. Thereupon, Messrs. Mazza and Neary left the Hearing and the Board was left without a quorum. Applicant decided to proceed with testimony. Absent Board Members will be required to listen to the recording and Certify of having done so.

Atty. Goldman gave a brief overview of the application. Republic is seeking approval to install a 15,000 gallon above-ground storage tank for use as a diesel fuel dispensing facility at their Solid Waste Collection Business. They had received approval to install a 10,000 gallon underground fuel storage tank in 2009. Applicant did not proceed with that installation due to State Regulations regarding underground tanks. The proposed tank would be installed on a concrete pad.

Witnesses Brian Henning, Engineer; Paul Paparella, Planner; and Carl Schmidt, Compliance Manager were sworn by Atty. Anderson. Mr. Schmidt explained the rationale for the above-ground tank, the safety factor, ease of maintenance and monitoring. He said the proposed tank is double-walled and with safety components to guard against overfilling and spillage. Mr. Schmidt said having the tank on-site will alleviate traffic congestion with vehicles traveling to and from off-site businesses for fuel. He said it is anticipated that fuel would be delivered weekly.

Mr. Schmidt said the site is used for vehicle parking and includes a building where the fleet can be maintained. Applicant hopes to install the tank in 2018. They are requesting that the Board approve

hours of operation from 8:00 a.m. to 7:00 p.m. Mr. Ford mentioned that garbage trucks are at his residence around 6:30 a.m. Mr. Schmidt acknowledged there is activity on the site earlier than 8:00 a.m. Lighting is proposed from dusk to dawn and would comply with the Township Lighting Ordinance. He said there is a thick tree-buffer on three sides of the property and a conservation area in the rear of the property.

Mr. Henning displayed an Exhibit entitled Site Aerial Plan AST Installation. It was marked A-1. The Exhibit depicted key site features including an office building, parking area for sanitation trucks and employees, and storage containers and location of proposed tank and neighboring properties. He described vehicular traffic circulation. Mr. Henning said trucks fuel up when they return from their collection route; typically between 2:00 and 5:00 p.m. Mr. Henning revisited the proposed lighting.

He said the previously approved lighting would have two light heads replaced that face downward and should have, essentially, no impact at the property line. Mr. Henning said five or six parking spaces would be consumed for the tank location. He explained how he calculated the number of parking spaces required.

Operations Manager John Schwirian provided details of the 15,000 gallon above-ground diesel dual-walled fuel tank. He said the tank is surrounded by concrete safety bollards. There is a leak-detection system that monitors the space between the two walls, the piping system and the pumps that deliver fuel to the dispenser. The leak-detector has an automated enunciator that sends a signal to the office and the tank is equipped with an emergency shutoff. Access to the tank will be protected by a card reader. Posted procedures must be followed by vendors filling the tank. There is a direct-vision gauge and an alarm that are monitored when tanks are filled. The alarm is activated when the tank has reached 90% of capacity. Spill kits will be available if a spill occurs and the nearby catch basin will be protected by drain-blocking mats that are constructed of industrial-strength material.

Mr. Henning displayed a Photo Array that was marked Exhibit A-2. The Exhibit showed spill management devices, including two catch basins. He said the Site is under the jurisdiction of the NJDEP Issue 5G2 General Storm Water Permit and has a SPCC spill-prevention plan. Mr. Henning said the tank and ancillary components are incorporated in daily and monthly inspections. He said the NJDEP had made a surprise site compliance inspection and determined the site was in compliance. Mr. Clerico asked Mr. Henning if Republic would be exempt from the Township's MS4 Permit. Mr. Henning understood that to be true. He also mentioned that he performs a site inspection annually, reviews training records and provides certification to the State in that regard.

Mr. Henning said a facility that has 1,320 gallons of above-ground storage capacity is under the jurisdiction of the EPA. There are tanks containing hydraulic and used oil on the site. The addition of the proposed tank triggers a substantive change. He will amend the Plan accordingly and file it with the Township.

Mr. Walchuk asked how Republic would address catastrophic damage to the tank that would result in spillage from the tank. Mr. Henning emphasized the ready availability of spill kits. He said an earthen berm dike would be implemented around the tank. The tank vendor would be called to pump remaining fuel from the tank. Cleanup activity would begin with a National Vendor (ERTS) and interaction with the State. Union Township would be copied on all communications.

Mr. Walchuk asked Mr. Henning for a description of the proposed tank. He was told it is a white steel cylindrical tank, approximately 25 feet long.

Ms. Malcolm had a question about average level of lighting. Mr. Henning emphasized the overall site lighting was not changing. The two light heads being replaced were proposed to provide extra light by the fuel tank.

The next Exhibit displayed was a Site Lighting Replacement Plan. It was marked A-3. Mr. Henning said it shows the foot candles and light intensity levels at various distances.

Mr. Paparella addressed the D-2 Variance. He explained the need and the justification for that Variance. The property is located in the VC District and the proposed use is not permitted; therefore, a variance is requested for a non-conforming and expansion of a non-conforming use. Mr. Paparella presented positive criteria. He said the proposed use would not increase the number of employees or vehicles at the site nor would there be any significant impact on neighbors. Mr. Paparella said having fuel on site would eliminate the need for trucks to travel to offsite fueling facilities. The proposed tank would allow for better monitoring of any problems that might arise than the originally approved 10,000 gallon tank. He did not see any substantial detriment to the public good, noting the similarities of the neighboring facilities. Republic provides a necessary local service.

Mr. Ford asked Mr. Clerico and Ms. Malcolm if they had any questions. There were none. Mr. Ford asked for questions from the Public. There were none.

Since there was not a quorum, a motion was made by Mr. Eschbach and seconded by Mr. Walchuk to adjourn the Hearing until February 22, 2018, with no further notice required.

Vote: All Ayes, No Nays, Motion Carried

Mr. Clerico asked that additional documentation be provided regarding the existing well. Ms. Malcolm requested updated information pertaining to parking.

Brian Plushanski Construction Company, LLC: Block 22, Lot 15, 3 Frontage Road: Mr. Plushanski asked if the Insurance Issue pertaining to the Quarry had been resolved. Mr. Ford said that was a Township Committee matter. The Board issue pertains to the two uses (recycling and quarrying) on the site. Mr. Ford told Mr. Plushanski that his application could be acted upon for Completeness, followed by the Public Hearing if all items were in order. Mr. Plushanski said he will contact his attorney for availability on February 22, 2018.

Informal: Russell Reid Waste Hauling & Disposal: Block 12, Lot 1.04, Route 173 West: Engineer Dan Bloch, Maser Consulting Inc. gave an overview of applicant's proposal. David Dam, Executive Vice President of Russell Reid Waste Hauling was present also. Mr. Bloch provided a brief history of the site and explained the nature of the Russell Reid application. The proposal is to occupy approximately 2,000 square feet (sf) for four employees and locker rooms for drivers and 10,000 sf of warehouse space for repair and servicing of vehicles, equipment and portable toilets. 26,000 sf of the building is proposed to be leased to other businesses. Applicant would like to reinstate parking in the outdoor storage area for up to 40 service and delivery vehicles.

Atty. Anderson mentioned the presence of Committeemen Mazza and Neary at this Informal and that it would be a "D" variance application, precluding their presence at a formal Hearing. Mr. Bloch said applicant was not looking for determination regarding granting of a variance. They were seeking feedback about the proposal.

Mr. Bloch said the Site was previously occupied by Strober Lumber Yard and they had outdoor storage area. In 1999 Hunterdon Realty Holdings, LLC received an approval that eliminated outdoor storage. He understands gravel exists underneath topsoil that was installed as part of the 1999 approval. Ms. Malcolm thought the Highlands would look at that area as impervious surface coverage. Mr. Walchuk had a concern about screening. Mr. Clerico thought the proposed use might require a NJDEP Permit. Mr. Ford thought the impervious surface coverage was being increased.

Mr. Mazza asked the number of tractor trailers that would be parked at the site at any given time. Mr. Bloch said between six and fifteen.

David Dam said Russell Reid has operations in New Jersey, New York and Pennsylvania. They have been operating in Glen Gardner for over thirty years. They felt this was a good site because there are no close neighbors. Mr. Walchuk voiced a concern about porta-johns blowing over if there were high winds. Mr. Bloch did not foresee that as a problem.

Mr. Bloch thanked the Board for their time.

Union Township Board of Education Block 21, Lot 7, 145 Perryville Road: Minor Subdivision: Atty. Sean Monaghan was present on behalf of applicant. Mr. Monaghan gave a brief overview of applicant's proposal to subdivide the residential dwelling from the Elementary School property. He said the impervious surface coverage variance may be eliminated because applicant is proposing extending the southeast line of the property by thirty-one feet. It would also eliminate a side yard issue for one of the outbuildings. The Board of Education will also be supplementing the application with two "C" variances for the front yard setback and height of one of the pre-existing buildings. Atty. Monaghan said the BOA will be marketing and auctioning the property as is. He said there is an existing well and septic system. Mr. Clerico said a suitable area for potential septic system improvements should be considered.

The Issue of Completeness was addressed. Mr. Ford noted there were substantive changes. He asked for a motion to deem the application incomplete. The motion was made by Mr. Eschbach and seconded by Mr. Walchuk.

Vote: Ayes: Mr. Eschbach, Mr. Walchuk, Mr. Mazza, Mr. Neary, Mr. Ford

Liberty Stone & Aggregates-Clinton Quarry, LLC: Block 22, Lot 30, 5 Frontage Road: Mr. Clerico mentioned an e-mail he received from Bruce Feld regarding a movable building for storage of equipment on-site. The Board discussed the matter briefly.

Future Submission of Applications and Supplementary Documents: Mr. Clerico voiced a concern about the timeliness of submissions.

Mr. Mazza made a motion that all submissions should be received at the Board Office twenty-one days prior to a meeting. Mr. Eschbach seconded the motion.

Vote: Ayes: Mr. Mazza, Mr. Eschbach, Mr. Neary, Mr. Walchuk, Mr. Ford

Cancellation of Meeting: The consensus of the Board was to cancel the February 8, 2018 Workshop.

Motion to Adjourn: Mr. Mazza made a motion to adjourn at 9:35 p.m.. The motion was seconded by Mr. Walchuk.

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary